



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

February 5, 2021

**By ECF and Email**

The Honorable John P. Cronan  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 1320  
New York, NY 10007

Re: *Cepeda v. United States*, No. 19 Civ. 5967 (JPC)

Dear Judge Cronan:

This Office represents Defendant the United States in the above-referenced action, in which Plaintiff claims damages under the Federal Tort Claims Act ("FTCA") stemming from a medical procedure received at a Veterans Administration hospital. I write on behalf of both parties to respectfully request that remaining deadlines be stayed pending the Court's decision on the outstanding motion for leave to amend (Dkt. No. 102).

The parties have completed fact and expert discovery. Under the current discovery schedule, pre-motion letters for dispositive motions are due no later than February 12, 2021; responses are due no later than February 19, 2021; and a pre-motion conference is scheduled for February 24, 2021, at 11:00 am.

At the December 7, 2020 pre-motion conference concerning Plaintiff's motion for leave to amend, the Court indicated that, if it granted Plaintiff's motion, it would consider reopening discovery on a limited basis to allow the Government to take additional discovery on Plaintiff's informed consent claim. Due to the continued uncertainty over what claims survive, and whether fact discovery is closed, the parties agree that it is premature to contemplate dispositive motions. Accordingly, the parties respectfully request that the Court hold the remaining deadlines in abeyance.

The parties' request is GRANTED. The remaining deadlines are hereby stayed. The Court will issue further guidance upon disposition of Plaintiff's motion for leave to amend, Dkt. 107.

SO ORDERED.

Date: February 5, 2021

New York, New York

JOHN P. CRONAN  
United States District Judge

The parties thank the Court for its consideration of this request

Respectfully,

AUDREY STRAUSS  
United States Attorney for the  
Southern District of New York

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